

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DARWIN L. WILLIAMS,

Plaintiff,

v.

DAN WHITE et al.,

Defendants.

CASE NO. 2:23-cv-01587

ORDER TO SHOW CAUSE

On October 17, 2023, Plaintiff Darwin L. Williams commenced this action by filing his Application to Proceed In Forma Pauperis (IFP) and Proposed Complaint with the Court. Dkt. No. 1. Two days later, the Office of the Clerk issued a Notice of Filing Deficiency, informing Williams that he had submitted the wrong IFP Application and omitted the Civil Cover Sheet required by Local Civil Rule 3(a). Dkt. No. 3. The Clerk enclosed the proper IFP form with this Notice and instructed Williams to complete and submit the form no later than November 20, 2023. *Id.* The Notice expressly stated that failure to timely rectify the filing deficiencies could result in dismissal of this action. *Id.*

1 Under LCR 41(b)(1), the Court may dismiss an action for lack of prosecution
2 if the action has been pending for more than nine months without any proceeding of
3 record having been taken. Similarly, under Fed. R. Civ. P. 41(b), the Court may
4 dismiss an action for failure to prosecute or to comply with the Civil Rules or a court
5 order. The Court's power to dismiss an action for failure to prosecute "is necessary
6 in order to prevent undue delays in the disposition of pending cases and to avoid
7 congestion in the calendars of the district courts." *Australasia Charterers Ltd. v.*
8 *Worldwide Bulk Shipping Pte Ltd.*, No. C21-98 RSM, 2023 WL 7300966, at *1 (W.D.
9 Wash. Nov. 6, 2023) (citing *Link v. Wabash R. Co.*, 370 U.S. 626, 629-30 (1962))
10 (cleaned up); *see also Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683,
11 689 (9th Cir. 2005) (explaining that district courts may sua sponte dismiss actions
12 under Rule 41(b) for failure to comply with court orders and/or failure to prosecute).

13 As of this date, Williams has still not rectified the deficiencies in his IFP
14 Application. In fact, Williams has made no action on the case docket since filing his
15 initial IFP Application in October 2023. Absent good cause, this inaction constitutes
16 grounds to dismiss this case.

17 Accordingly, Williams must submit a short statement, not to exceed six (6)
18 pages, explaining why this case should not be dismissed for failure to prosecute. The
19 Court ORDERS Williams to file a Response to this Order to Show Cause no later
20 than thirty (30) days from the date of this Order. Failure to file a response will
21 result in dismissal of Williams's action.

22 The Clerk is directed to place this Order to Show Cause on the Court's
23 calendar for 30 days from the date of this Order.

1 It is so ORDERED.

2 Dated this 6th day of September, 2024.

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4 Jamal N. Whitehead
5 United States District Judge
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